

BEFORE THE
DIVISION OF LICENSING
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of)
Issues Against:)

LEONARD O. COOPER)

No. A-479

Applicant/Respondent.)
_____)

DECISION

The attached Stipulation is hereby adopted by the Division
of Licensing of the Board of Medical Quality Assurance as its
Decision in the above-entitled matter.

This Decision shall become effective on March 1, 1988

IT IS SO ORDERED February 1, 1988

DIVISION OF LICENSING
BOARD OF MEDICAL QUALITY ASSURANCE



AUDREY MELIKIAN
Secretary

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 MARILYN H. LEVIN,
Deputy Attorney General
3 3580 Wilshire Boulevard, Suite 605
Los Angeles, California 90010
4 Telephone: (213) 736-2047

5 Attorneys for Complainant
6
7
8

9 BEFORE THE
DIVISION OF LICENSING
10 BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA
12

13 In the Matter of the Statement) No. A-479
of Issues Against:)
14) STIPULATION,
LEONARD O. COOPER) DECISION AND
15 P. O. Box 1716) ORDER
Loma Linda, California 92354,)
16)
Applicant/Respondent.)
17)
18

19 IT IS HEREBY STIPULATED by and between
20 Leonard O. Cooper (hereinafter "Respondent"), by and
21 through his counsel of record, Livingston and Mattesich
22 Law Corporation, by Melissa M. Meith, and the Division of
23 Licensing, Board of Medical Quality Assurance, State of
24 California (hereinafter "Division"), by and through its
25 attorney, John K. Van de Kamp, Attorney General of the
26 State of California, by Marilyn H. Levin, Deputy Attorney
27 General, as follows:

1.

1 1. On or about September 18, 1981, Respondent
2 applied for licensure as a physician and surgeon. Said
3 application is currently pending before the Division of
4 Licensing, Board of Medical Quality Assurance (hereinafter
5 "Division").

6 2. On or about October 17, 1985, Kenneth J.
7 Wagstaff, in his official capacity as Executive Director of
8 the Board of Medical Quality Assurance of the Department of
9 Consumer Affairs, caused to be filed a Statement of Issues
10 bearing Case No. A-479 setting forth causes for denying
11 said application by Respondent.

12 3. Respondent is represented by and has
13 counseled with Melissa M. Meith, Livingston and Mattesich
14 Law Corporation, and has consulted with her concerning the
15 allegations and charges in said case and the effect of this
16 stipulation.

17 4. Respondent was duly and properly served with
18 the Statement of Issues presently on file and pending in
19 Case No. A-479. Respondent filed a timely Notice of
20 Defense.

21 5. Respondent has received and read Statement
22 of Issues No. A-479 and understands the nature of the
23 allegations regarding the application for licensure as a
24 physician and surgeon he filed with the Division on or
25 about September 18, 1981.

26 6. Respondent is fully aware of his right to an
27 administrative hearing on the Statement of Issues and the

1 allegations it contains, his right to reconsideration, to
2 appeal, and to any and all other rights available to him
3 under the California Administrative Procedure Act.

4 Respondent hereby fully and voluntarily waives those
5 rights with regard to Statement of Issues No. A-479.

6 7. The Division and Respondent enter into this
7 stipulation to resolve the Statement of Issues regarding
8 Respondent's September 18, 1981 application as
9 expeditiously as possible.

10 8. The admissions made herein are for the
11 purposes of this proceeding or a proceeding before the
12 Board and may not be used for any other purpose.

13 9. Respondent stipulates and admits to the
14 truth of the following:

15 (A) Applicant filed an application with the
16 Division on September 18, 1981. In that application,
17 signed under penalty of perjury, applicant stated that
18 he attended the Universidad del Noreste in Tampico
19 (hereinafter "UNE") between 8/77 - 6/80 and attended
20 Universidad CETEC (hereinafter "CETEC") from 8/80 -
21 8/81 and received his M.D. Degree from CETEC on
22 8/10/81. The application listed only two medical
23 schools.

24 (B) Applicant filed an application on or about
25 October 1979 with the Educational Commission for
26 Foreign Medical Graduates (hereinafter "ECFMG"), under
27 penalty of perjury, in which he stated that he

1 attended the Universidad Autonoma de Ciudad Juarez in
2 Juarez, Mexico (hereinafter "Juarez") from 1977 -1979.

3 (C) Applicant has filed additional applications
4 to take the ECFMG which contain the following
5 statements:

6 1. Application for July 1980 exam states
7 attendance at UNE from 9/78 - 6/80.

8 2. Application for January 1981 examination
9 filed November 3, 1980 lists attendance at UNE
10 for 3 years.

11 3. Application for July 1981 examination
12 lists attendance at UNE from 8/77 - 6/80 and
13 CETEC from 6/80 - 6/81.

14 4. Application for January 1984 filed on
15 October 1983 lists attendance at UNE from 8/15/79
16 "to the present" representing 3-1/2 school years
17 and fails to list CETEC.

18 (D) As part of a request for individual review
19 of his application in September 1983, applicant
20 submitted, between November 1983 through January 1984,
21 a Certificate of Medical Education from UNE showing
22 attendance at UNE from 8/15/77 to an unknown date.

23 (E) On or about 5/8/85, applicant stated to
24 Board representatives that he listed attendance at
25 "Juarez" on his ECFMG application because he was
26 taking exams at Juarez but was not attending classes
27 at the same time he was attending classes at UNE. In

1 June 1980, applicant stated he did not return to
2 "Juarez". However, documents from "Juarez" verify
3 attendance from August 1977 - June 1979.

4 (F) "UNE" and "Juarez" are approximately 1800
5 miles apart and are both a far distance from CETEC
6 (1500 and 2500 miles, respectively).

7 (G) Applicant has submitted documents which
8 state the applicant enrolled in and attended the
9 following schools during the following time periods:

10 **Universidad del Noreste in Tampico 8/77 - 6/80,**
11 **9/78 - 6/80, 8/77 - 12/80 and 8/79 - 10/83.**

12 **CETEC 6/80 - 6/81, 8/80 - 8/81 and 2/81 - 8/81.**

13 **JUAREZ 8/77 - 6/79.**

14 (H) As part of his application, applicant caused
15 to be submitted on 10/9/81 a transcript from UNE
16 showing courses completed through the 6th semester.
17 As part of a request for individual review of his
18 application in September 1983, applicant submitted a
19 second transcript from UNE dated 12/15/83 showing
20 courses completed through the 7th semester, instead of
21 the 6 semesters reported on the transcript submitted
22 on 10/9/81. On or about 1/4/85, applicant caused to
23 be submitted another transcript from UNE dated
24 12/20/84 showing courses completed through 7th
25 semester.

26 (I) Applicant submitted an application to ECFMG
27 which application showed the following information

1 which contradicts information submitted as part of
2 applicant's application to the Division as follows:

3 Copy of a transcript from UNE dated 11/14/84
4 which shows courses completed through the 7th
5 semester.

6 (J) Applicant's CETEC file contained the
7 following documents:

8 (1) Two admission letters from CETEC dated
9 8/14/80 and 8/14/81.

10 (2) A transcript from UNE dated 6/17/80
11 showing attendance through the 6th semester.

12 (3) A CETEC transcript dated 6/6/81 stating
13 that the degree was conferred on 6/30/81 instead
14 of the information provided in the application
15 stating that the degree was conferred on 8/10/81.

16 (K) On or about 5/8/85, applicant stated his
17 application to CETEC on 2/15/81 was correct but that
18 he sent one previously in July 1980 which they lost.

19 (L) On or about 5/8/85, applicant stated to a
20 Division representative that his application lists
21 Pediatrics in his 4th year at CETEC but that, in fact,
22 his Pediatrics was done at UNE.

23 10. Pursuant to the waivers, stipulations and
24 admissions contained herein, Respondent stipulates that
25 cause exists to deny Respondent's application for a
26 physician and surgeon's license pursuant to Business and

27 /

1 Professions Code section 480(c), and stipulates to that
2 denial.

3 11. All allegations and charges not herein
4 admitted are dismissed without prejudice. The parties
5 hereby agree to resolve and not to relitigate any fraud or
6 filing false documents violations based upon the facts
7 admitted in this proceeding.

8 12. The parties further agree that Respondent
9 may, at his own expense, undertake course work for remedial
10 medical education that complies with the requirements of
11 Business and Professions Code sections 2089 and 2089.5, and
12 may reapply to the Board on completion of that training.
13 Respondent's application will be reviewed and Respondent
14 must meet the current requirements in effect at that time,
15 including evidence satisfactory to the Division of
16 Certification by the Education Commission for Foreign
17 Medical Graduates, or its equivalent, as determined by the
18 Division. The parties agree that the procedure to be
19 followed for establishing the remedial education
20 requirements shall be as follows:

21 a. Mr. Cooper will submit new, duly certified,
22 official transcripts or official evidence satisfactory
23 to the Division of Licensing from Universidad del
24 Noreste and from CETEC setting forth his educational
25 instruction, course work, training, and clinical
26 education at each institution.

27 /

1 b. Based on a review of the official
2 documentation, the Division will identify and
3 determine those subject areas (including clinical
4 training) where it believes Respondent's education is
5 adequate and those subject areas (including clinical
6 training) where it believes Respondent's education is
7 not adequate.

8 c. As to those areas in which the Division
9 believes the Respondent's education is adequate, he
10 has the option of either taking and passing a
11 competency examination at his own expense in that
12 particular subject, or taking a course or courses in
13 the subject that complies with the requirements of
14 Business and Professions Code sections 2089 and
15 2089.5. As to those subject areas for which
16 Respondent takes a competency exam, if he passes the
17 exam, he shall not be required to take any additional
18 training. If he fails the exam, he shall take
19 additional course work (or clinical training) that
20 complies with the requirements of Business and
21 Professions Code sections 2089 and 2089.5.

22 d. For subject areas which the Division
23 believes are not adequate, Respondent shall retake a
24 course or courses that comply with the requirements of
25 Business and Professions Code sections 2089 and
26 2089.5 as necessary, including clinical training.

27 /

1 e. Following Mr. Cooper's additional
2 instruction, he may resubmit an application to the
3 Division of Licensing, and must meet all current
4 requirements in effect at that time. He will be
5 considered as any other applicant, without regard to
6 the charges of Business and Professions Code section
7 480(c) in the Statement of Issues hereby resolved.
8 At the time of submitting that new application, the
9 Division and respondent agree that respondent shall
10 not discuss, or rely upon in any fashion, those
11 credits awarded him by the Universidad Autonoma de
12 Ciudad Juarez in Juarez, Mexico.

13 13. In consideration of the stipulations,
14 admissions and waivers set forth herein, it is agreed that
15 the Division of Medical Quality Assurance may issue the
16 following order:

17 **DECISION/ORDER**

18 A. The application of Leonard O. Cooper for
19 licensure as a physician and surgeon is hereby denied.

20 /

21 /

22 /

23 /

24 /

25 /


26 /

27 /

1 14. This stipulation shall be subject to the
2 approval of the Division, and unless and until this
3 agreement is adopted by the Division as its final
4 decision, it shall have no force and effect in any present
5 or future proceedings.

6 DATED: 10-28-87

7 JOHN K. VAN DE KAMP, Attorney General
8 of the State of California

9 

10 MARILYN H. LEVIN
11 Deputy Attorney General
12 Attorneys for Complainant

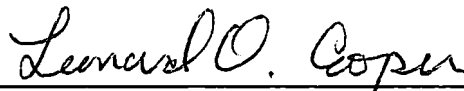
13 DATED: 11/2/87

14 LIVINGSTON AND MATTESICH
15 Law Corporation

16 

17 MELISSA M. MEITH
18 Attorney at Law
19 Attorneys for Respondent

20 DATED: 10-23-87

21 

22 LEONARD O. COOPER
23 Respondent
24
25
26
27

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

11
12

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 MARILYN H. LEVIN,
Deputy Attorney General
3 3580 Wilshire Boulevard
Los Angeles, California
4 Telephone: (213) 736-2047

5 Attorneys for Complainant
6
7
8

9 BEFORE THE
DIVISION OF LICENSING
10 BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA

12 In the Matter of the Statement) No. A-479
of Issues Against:)
13) STATEMENT OF ISSUES
LEONARD O. COOPER)
14 P.O. Box 1716)
Loma Linda, CA 92354,)
15)
Applicant/Respondent.)
16)
17

18 Complainant, Kenneth J. Wagstaff, as cause for
19 denial of the pending application of Leonard O. Cooper
20 (hereinafter "applicant") for licensure as a physician and
21 surgeon, alleges as follows:

22 1. He is the Executive Director of the Board of
23 Medical Quality Assurance of the Department of Consumer Affairs
24 of the State of California makes and files this statement of
25 issues solely in his official capacity.

26 2. On or about September 18, 1981, applicant
27 applied for licensure as a physician and surgeon. Said

1 application is currently pending before the Division of
2 Licensing, Board of Medical Quality Assurance (hereinafter
3 "Division")

4 3. Business and Professions Code*/

5 section 480(a)(2) provides a board may deny a license for any
6 act involving dishonesty, fraud or deceit with the intent to
7 substantially benefit himself, or another, or to substantially
8 injure another. Section 480(a)(3) provides a board may deny a
9 license for any act which, if done by a licentiate of the board,
10 would be grounds for suspension or revocation. Section 480(c)
11 provides a board may deny a license on the ground the applicant
12 knowingly made a false statement of fact required to be revealed
13 in the application for such license.

14 4. Section 582 provides, in pertinent part, that no
15 person shall use or attempt to use any diploma, certificate or
16 transcript which has been purchased, fraudulently issued,
17 illegally obtained, counterfeited or materially altered, either
18 as a certificate or as to character or color of certificate, to
19 practice as a physician and surgeon.

20 5. Section 583 provides that no person shall, in
21 any affidavit required of any applicant for examination,
22 license, certificate or registration under the Medical Practice
23 Act wilfully make a false statement in a material regard.

24 /
25 /
26 /

26 *Hereinafter all statutory references are to the Business and
27 Professions Code.

1 6. Section 2234(e) provides a licensee may be
2 disciplined for unprofessional conduct, including, the
3 commission of any act involving dishonesty or corruption which
4 is substantially related to the qualifications, functions or
5 duties of a physician or surgeon.

6 7. Section 2261 provides unprofessional conduct
7 includes knowingly making or signing any certificate or other
8 document directly or indirectly related to the practice of
9 medicine or podiatry which falsely represents the existence or
10 nonexistence of a state of facts.

11 8. Applicant is subject to denial pursuant to
12 sections 480(a)(2) and 480(a)(3) [in conjunction with
13 sections 2234(e) and 2261], 480(c) 582, and 583. The
14 circumstances are as follows:

15 A. Applicant has done acts involving dishonesty, fraud
16 or deceit with the intent to substantially benefit
17 himself in violation of sections 480(a)(2) and
18 480(a)(3) in conjunction with section 2234(e) as
19 follows:
20
21
22
23
24
25
26
27

1 (1) Applicant filed an application with the
2 Division on September 18, 1981. In that application,
3 signed under penalty of perjury, applicant stated that he
4 attended the Universidad del Noreste in Tampico
5 (hereinafter "UNE") between 8/77 - 6/80 and attended
6 Universidad CETEC (hereinafter "CETEC") from 8/80 - 8/81
7 and received his M.D. Degree from CETEC on 8/10/81. The
8 application listed only two medical schools.

9 (2) Applicant filed an application on or about
10 October 1979 with the Educational Commission for Foreign
11 Medical Graduates, under penalty of perjury, in which he
12 stated that he attended the Universidad Autonoma de Ciudad
13 Juarez in Juarez, Mexico (hereinfter "Juarez") from 1977 -
14 1979.

15 (3) Applicant has filed additional applications to
16 take the ECFMG which contain the following statements:

17 a. Application for July 1980 exam states
18 attendance at UNE from 9/78 - 6/80.

19 b. Application for January 1981 examination
20 filed November 3, 1980 lists attendance only at UNE
21 for 3 years.

22 c. Application for July 1981 examination
23 lists attendance at UNE from 8/77 - 6/80 and CETEC
24 from 6/80 - 6/81.

25 d. Application for January 1984 filed on
26 October 1983 lists attendance at UNE from 8/15/79
27 /

1 "to the present" representing 3-1/2 school years and
2 fails to list CETEC.

3 (4) As part of a request for individual review of
4 his application in September 1983, applicant submitted,
5 between November 1983 through January 1984, a Certificate
6 of Medical Education from UNE showing attendance at UNE
7 from 8/15/77 to an unknown date.

8 (5) On or about 3/2/84, applicant advised a Board
9 representative that he did, in fact, attend "Juarez" for
10 two years, transferred to "UNE" and received credit for
11 courses completed at Juarez and did no basic science or
12 pre-clinical work at UNE, in contradiction to the
13 transcripts and application submitted.

14 (6) On or about 5/8/85 applicant stated to Board
15 representatives that he listed attendance at "Juarez" on
16 his ECFMG application because he was taking exams at
17 Juarez but was not attending classes at the same time he
18 was attending classes at UNE. In June 1980, applicant
19 stated he did not return to "Juarez". However, documents
20 from "Juarez" verify attendance from August 1977 - June
21 1979.

22 (7) "UNE" and "Juarez" are approximately 1800 miles
23 apart and are both a far distance from CETEC (1500 and
24 2500 miles respectively).

25 (8) Applicant has submitted documents which state
26 the applicant enrolled in and attended the following
27 schools during the following time periods:

1 Universidad del Noreste in Tampico 8/77 -
2 6/80, 9/78 - 6/80, 8/77 - 12/80 and 8/79 - 10/83
3 CETEC - 6/80 - 6/81, 8/80 - 8/81 and 2/81 -
4 8/81

5 (9) As part of his application, applicant caused to
6 be submitted on 10/9/81 a transcript from UNE showing
7 courses completed through the 6th semester. As part of a
8 request for individual review of his application in
9 September , 1983 applicant submitted a second transcript
10 from UNE dated 12/15/83 showing courses completed through
11 the 7th semester, instead of the 6 semesters reported on
12 the transcript submitted on 10/9/81. On or about 1/4/85,
13 applicant caused to be submitted another transcript from
14 UNE dated 12/20/84 showing courses complete through 7th
15 semester.

16 (10) Applicant submitted an application to ECFMG
17 which application showed the following information which
18 contradicts information submitted as part of applicant's
19 application to the Division as follows:

20 Copy of a transcript from UNE dated 11/14/84
21 which shows courses completed through the 7th
22 semester.

23 (11) Applicant's CETEC file contained the following
24 documents:

25 (a) Two admission letters from CETEC dated
26 8/14/80 and 8/14/81.

27 /

1 (b) A transcript from UNE dated 6/17/80
2 showing attendance through the 6th semester.

3 (c) A CETEC transcript dated 6/6/81 stating
4 that the degree was conferred on 6/30/81 instead of
5 the information provided in the application stating
6 that the degree was conferred on 8/10/81.

7 (d) An application to CETEC dated 2/15/81.

8 (12) On or about 5/8/85, applicant stated his
9 application to CETEC on 2/15/81 was correct but that he
10 sent one previously in July 1980 which they lost.

11 (13) On or about 5/8/85 applicant stated to a
12 Division representative that his application lists
13 Pediatrics in his 4th year at CETEC when, in fact, his
14 pediatrics was done at UNE.

15 B. Applicant has knowingly made a false statement of
16 fact required to be revealed in the application for
17 such license in violation of section 480(c) as
18 follows:

19 (1) The allegations contained in paragraph 8A
20 are herein incorporated by reference as though fully
21 set forth at this point.

22 C. Applicant has knowingly made or signed any
23 certificate or other document directly or indirectly
24 related to the practice of medicine which falsely
25 represents the existence or

26 /

27 /

1 nonexistence of a state of facts in violation of
2 Section 480(a)(3) in conjunction with section 2261
3 as follows:

4 (1) The allegations contained in paragraph 8A
5 are herein incorporated by reference as though fully
6 set forth at this point.

7 D. Applicant has used or attempted to use any diploma,
8 certificate, or transcript which has been purchased,
9 fraudulently issued, illegally obtained,
10 counterfeited or materially altered either as a
11 certificate or as to character or color of
12 certificate and surgeon in violation of section
13 480(a)(3) in conjunction with section 582 as follows:

14 (1) The allegations contained in paragraph 8A
15 are herein incorporated by reference as though fully
16 set forth at this point.

17 E. Applicant has wilfully made a false statement in a
18 material regard in an affidavit required of any
19 applicant for examination, license, certificate or
20 registration in violations of section 480(a)(3) in
21 conjunction with 583 as follows:

22 (1) The allegations contained in paragraph 8A
23 are herein incorporated by reference as though fully
24 set forth at this point.

25 9. Pursuant to section 2102, subdivision (a) of the
26 Business and Professions Code (hereinafter the "code"), an
27 applicant must provide evidence satisfactory to the Division of

1 Licensing of the Board of Medical Quality Assurance (hereinafter
2 the "division") of completion of a resident course of
3 professional instruction equivalent to that required by section
4 2089 of the code, and of issuance of a document acceptable to
5 the division which shows final and successful completion of the
6 course.

7 10. Section 2089 sets forth the requirements for
8 the medical education of an applicant. Section 2102 requires
9 that a graduate of a foreign medical school, other than a
10 Candian school, must complete a resident course of professional
11 instruction equivalent to that required by section 2089.

12 11. Section 2102(b) provides that an applicant must
13 provide evidence satisfactory to the Division of Certification
14 by the Educational Commission for Foreign Medical Graduates, or
15 its equivalent, as determined by the Division.

16 12. Applicant is subject to denial for failure to
17 meet the requirements of sections 2089 and 2102(a) and (b). The
18 circumstances are as follows:

19 A. Applicant has not provided evidence of
20 Certification by the Educational Commission for Foreign
21 Medical Graduates.

22 B. Applicant has not provided evidence satisfactory
23 to the Division that he has completed the minimum hours in
24 the required curriculum as follows:

25 (1) Applicant's education is inadequate based
26 upon the fraudulent and inconsistent representations
27 /

1 as to his medical education as set forth hereinabove
2 in paragraph 8A.

3 (2) Assuming respondent actually attended UNE
4 for three and one-half years (3-1/2) and CETEC for
5 one year, applicant has the following deficiencies:

6 (a) Basic Science

7 Anatomy - Applicant has no more
8 than 106 hours.

9 Biochemistry - Applicant has no
10 more than 106 hours.

11 Pathology - Applicant has no more
12 than 106 hours.

13 Microbiology - Applicant has no
14 more than 108 hours.

15 Physiology - Applicant has no more
16 than 106 hours.

17 Pharmacology - Applicant has no
18 more than 106 hours.

19 (b) Clinical Rotations

20 Medicine - Applicant has no
21 medicine rotation.


22 Pediatrics - Applicant has no
23 pediatric rotation.

24 C. Applicant has not provided evidence satisfactory
25 to the Division that his medical education curriculum
26 included adequate instruction in all of the subjects
27 listed in section 2089, subdivision (b) in that: 1) CETEC,

1 the foreign medical school which Mr. Cooper allegedly
2 attended was disapproved and 2) He received credit
3 for coursework and clinical rotations at UNE when, in
4 fact, it was impossible for him to be attending two
5 schools.

6 WHEREFORE, complainant prays that a hearing be held
7 on the matters alleged herein, and that following such hearing,
8 a decision issue denying respondent's application and granting
9 such other and further relief as is deemed appropriate.

10 DATED: October 17, 1985

11
12
13 
14 KENNETH J. WAGSTAFF
15 Executive Director
16 Board of Medical Quality Assurance
17 State of California

18
19
20
21
22
23
24
25
26
27
Complainant